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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

CLRB HANSON INDUSTRIES, LLC d/b/a INDUSTRIAL PRINTING, and HOWARD STERN, on behalf of themselves and all others similarly situated, Plaintiffs, vs. GOOGLE, INC., Defendant.	CASE NO: C05-03649 JW **DECLARATION OF MICHELE F. RAPHAEL IN SUPPORT OF PLAINTIFFS' ADMINISTRATIVE MOTION PURSUANT TO CIV. L.R. 79–5(d) TO FILE UNDER SEAL PORTIONS OF DOCUMENTS DUE TO CONFIDENTIAL DESIGNATIONS BY DEFENDANT GOOGLE, INC.** Civ. L.R. 79-5(d) Courtroom: 8 Judge: Hon. James W. Ware

Dockets.Justia.com

I, **MICHELE F. RAPHAEL**, declare as follow:

1. I am a member of Wolf Popper LLP, counsel for Plaintiffs CLRB Hanson Industries, LLC d/b/a Industrial Printing and Howard Stern (collectively, "Plaintiffs") in this action against Google, Inc ("Google"). I have personal knowledge of the facts stated herein. I submit this declaration in support of Plaintiffs' administrative motion pursuant to Civ. L. R. 79-5(d) to file under seal, portions of Plaintiffs' Supplemental Memorandum in Support of Plaintiffs' Motion for Partial Summary Judgment ("Plaintiffs' Supplemental Memorandum") and portions of the Supplemental Declaration of Michele F. Raphael dated May 3, 2007 ("Supplemental Raphael Declaration").

2. Plaintiffs' Supplemental Memorandum and the Supplemental Raphael Declaration address information gleaned from discovery ordered by this Court, namely, the depositions of Google employees, Mr. Schulman, Ms. Wilburn and Mr. Venkataraman.

3. Defendant has designated the transcripts from the depositions of Mssrs. Schulman and Venkataraman, as confidential in their entirety. Defendant has designated portions of Ms. Wilburn's transcript as confidential. Defendant has also designated as confidential exhibits marked at these depositions.

4. A copy of the letter from defense counsel designating the transcripts "Confidential" and/or "Confidential-Attorney's Eyes Only" is annexed hereto as Exhibit A.

5. Testimony from all three depositions is cited and referred to within the Supplemental Memorandum. Exhibits designated confidential are also referred to therein. The cited transcript pages and exhibits are annexed to the Supplemental Raphael Declaration.

6. In accordance with parties' Stipulated Protective Order filed on March 2, 2007 , Plaintiffs are seeking to file under seal those portions of Plaintiffs' Supplemental Memorandum and the Supplemental Raphael Declaration which annex, cite and/or refer to material designated by Defendant as Confidential.

7. Concurrent with this submission, Plaintiffs are lodging with the Clerk of the Court two copies of Plaintiffs' Supplemental Memorandum and the Supplemental Raphael Declaration

which identify by yellow highlighting those portions which annex, cite, and/or refer to material designated by Defendant as confidential. One copy is intended for review by this Court.

8. Plaintiffs are also lodging with the Clerk of the Court redacted versions of Plaintiffs' Supplemental Memorandum and the Supplemental Raphael Declaration to place in the public record in the event this Court orders that the highlighted portions be filed under seal.

Dated: May 7, 2007

/s/
Michele F. Raphael